United Nations S/2011/702

Security Council

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10 November 2011

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Letter dated 8 November 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1757 (2007) of 30 May 2007 and its annex relating to the establishment of the Special Tribunal for Lebanon (the "Special Tribunal"). Pursuant to article 2, paragraph 5 (d) of the annex, I am to appoint the international judges of the Special Tribunal upon the recommendation of a selection panel which I will establish after informing the Security Council of my intention to do so. The panel is to be composed of two judges, currently sitting on or retired from an international tribunal, and the representative of the Secretary-General.

I wish to inform the Security Council of my intention to appoint a selection panel, in accordance with the above-mentioned provision, to select a replacement for Judge Antonio Cassese (Italy), international judge of the Appeals Chamber and former President of the Special Tribunal, who died on 21 October 2011. The selection panel will also aim to establish a roster of three to four suitable candidates who could be appointed as judges on short notice, should additional vacancies arise at the Special Tribunal in the near future. The Office of Legal Affairs has commenced the process of identifying the two judges of the selection panel. Either Ms. Patricia O'Brien, Under-Secretary-General for Legal Affairs, the Legal Counsel, or Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs, will join the selection panel as my representative.

(*Signed*) **BAN** Ki-moon

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Letter dated 10 November 2011 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 8 November 2011 (S/2011/702) concerning your intention to appoint a selection panel, in accordance with article 2, paragraph 5 (d) of the annex to resolution 1757 (2007), has been brought to the attention of the members of the Security Council. They take note of the intention and information contained in your letter.

(*Signed*) José Filipe **Moraes Cabral**
President of the Security Council

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First report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa

I. Introduction

1. The present report is submitted pursuant to the request contained in the letter from the President of the Security Council to me dated 30 August 2010 (S/2010/457), in which the Council welcomed my intention to establish the United Nations Regional Office for Central Africa (UNOCA), and requested regular information on the activities of the Office, including an initial report six months after the Office became fully operational. The report provides an overview of the activities of UNOCA following its official inauguration in March 2011 and the assumption of Office by my Special Representative for Central Africa and Head of UNOCA, Mr. Abou Moussa, in June 2011. The report builds on his informal briefing and interaction with the Security Council on 18 August 2011.

2. Over the past two decades, the United Nations has enhanced its close cooperation with regional and subregional arrangements in Africa on the management and resolution of major crises on the continent through preventive diplomacy, good offices, the deployment of peace missions and assistance in peacebuilding. Pursuant to the request of the Security Council contained in its presidential statement (S/PRST/2002/31) of 31 October 2002, on strengthening cooperation between the United Nations system and the Central African region in the maintenance of peace and security, the Secretary-General dispatched a United Nations multidisciplinary assessment mission to Central Africa in 2003, to review the priority needs and challenges confronting the subregion and to define appropriate strategies to address them. The countries visited by the mission called for a subregional United Nations political presence, through the establishment of a regional office in Central Africa, to facilitate the implementation of a comprehensive and integrated approach to the issues of peace, security and development in the subregion. This was reiterated in a number of subsequent letters from the member States of the Economic Community of Central African States (ECCAS) to the Secretary-General. The mission, in its findings, concluded that, given the conflict in the subregion, a holistic and integrated subregional approach was needed to address cross-border and cross-cutting challenges, and to enhance the conflict prevention and peacebuilding efforts of local actors (see S/2003/1077).

3. In my report on the implementation of Security Council resolution 1625 (2005) on conflict prevention, particularly in Africa (S/2008/18), I proposed to put

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in place additional regional tools for prevention and create more opportunities to support regional solutions, building on the experience of the United Nations Office for West Africa (UNOWA) and the Office of my former Special Representative for the Great Lakes Region. The purpose of such regional tools would be to strengthen and rationalize the United Nations regional approach to preventive diplomacy, conflict resolution and peacebuilding in those subregions, and to enhance synergy between the United Nations missions and Offices in the region.

4. In my letter to the President of the Security Council dated 11 December 2009 (S/2009/697), I informed Council members of my intention to establish a United Nations Regional Office for Central Africa in Libreville. The office would, inter alia, be entrusted with an overall mandate to enhance the contribution of the United Nations towards the achievement of peace and security in the broader region, and would specifically perform the following functions:

(a) Provide an operational and analytical focal point for the engagement of the United Nations, and the Department of Political Affairs specifically, in contributing to peace and security;

(b) Help build institutional capacity in the countries and subregion towards a harmonized subregional approach to peace and security;

(c) Support regional efforts to address cross-cutting issues of concern.

5. In the letter of the President of the Security Council to me dated 30 August 2010 (S/2010/457), Council members took note of my proposal to establish the Office for an initial period of two years, with a review of its mandate after 18 months. Subsequently, in October 2010, the Department of Political Affairs led an interdepartmental planning mission to Libreville, the selected location of the Office, to assess and plan for the start-up technical and substantive needs of the Office.

6. The Office was established on 1 January 2011, and officially inaugurated on 2 March 2011 by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on my behalf. The inaugural ceremony in Libreville was attended by President Ali Bongo Ondimba of Gabon and by senior representatives of other ECCAS member States. UNOCA covers the 10 countries of the Central Africa subregion that constitute ECCAS, namely, Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon and São Tomé and Principe. Following consultations, on 11 March 2011, I appointed Mr. Abou Moussa (Chad), my former Principal Deputy Special Representative in Côte d'Ivoire, as my Special Representative for Central Africa and Head of the United Nations Regional Office for Central Africa.

7. Meanwhile, following consultations on how best to enhance synergies in Central Africa, the Department of Political Affairs and the Office for Disarmament Affairs agreed to transfer the secretariat functions of the United Nations Standing Advisory Committee on Security Questions in Central Africa, from the Office of Disarmament Affairs to the Department of Political Affairs. Under the new arrangement, UNOCA has assumed secretariat functions for the Standing Advisory Committee, reporting to Headquarters through the Department of Political Affairs. Accordingly, UNOCA has initiated preparations for the convening, from 5 to 9 December 2011 in Bangui, of the thirty-third ministerial meeting of the Committee. That meeting will undertake a geopolitical review of security-related developments in the subregion, including efforts to curb the proliferation of illicit weapons in the area.

8. UNOCA is also mandated to work closely with other United Nations political and peacekeeping missions and United Nations country teams in countries affected by the Lord's Resistance Army (LRA). In the press statement of the President of the Security Council of 21 July 2011, UNOCA was requested, in coordination with the United Nations Office to the African Union (UNOAU), to engage with the African Union and facilitate cooperation between the United Nations and the African Union on issues related to countering the threat posed by LRA.

II. Activities of the United Nations Regional Office for Central Africa

9. UNOCA has become fully operational and is working towards implementing its mandate. The Office launched its activities with broad consultations with the Governments of the Central African States, and with the subregion's main intergovernmental bodies, to assess key political and institutional security challenges facing the subregion, and the leaders' expectations of the requirements for addressing these challenges. The Office also conducted consultations with other United Nations presences in the subregion on how best to coordinate efforts in support of conflict prevention and peacebuilding initiatives in Central Africa.

A. Consultations with member States of ECCAS and with subregional intergovernmental organizations

10. Between July and October 2011, my Special Representative visited 9 of the 10 member States of ECCAS for discussions on subregional peace and security priorities and how the United Nations could contribute to tackling the problems identified. He also visited the African Union Commission in Addis Ababa, and the Central African Economic and Monetary Community in Bangui, to introduce the new Office and to explore areas of cooperation. The consultations began with his initial meeting with President Ali Bongo Ondimba of Gabon, the host of the Office. The lack of assets was a major constraint in the organization of these travels. The consultations also built on the informal discussions my Special Representative held with members of the diplomatic community in Libreville, and on initial contacts with Ministers for Foreign Affairs of ECCAS member States and with the Chair of the African Union Commission in the margins of the seventeenth session of the Assembly of Heads of State and Government of the African Union, held in Malabo, Equatorial Guinea, from 29 June to 1 July 2011.

11. Leaders of the subregion, in their discussions with my Special Representative, underscored the need for peace and security as a prerequisite for development and for regional cooperation, including for the free movement of people and goods. While highlighting their national and subregional efforts to strengthen peace and prevent conflicts, the leaders appealed for greater international support to confront new and recurrent threats, including piracy, cross-border movements of arms and fighters, drug trafficking and organized crime, youth unemployment, gender-based violence and the illegal exploitation of natural resources. They also expressed the need for capacity-building assistance for the development of national and subregional mechanisms for early warning and conflict prevention.

12. Regarding the threat of piracy in the Gulf of Guinea, an area that covers both the West and Central Africa subregions, my Special Representative was informed that ECCAS member States had begun to take specific measures at the national and subregional levels to respond to this growing challenge. To that end, they had adopted in 2009 in Kinshasa, the Framework to Secure the Gulf of Guinea and a protocol creating the Regional Coordination Centre for Maritime Security in Central Africa, to be based in the Republic of the Congo. It was also mentioned that for the purposes of facilitating responses to the threat of piracy, the Central Africa subregion had been subdivided into zones. The member States of zone D (Cameroon, Equatorial Guinea, Gabon and São Tomé and Principe), where significant acts of piracy and terrorism had been reported, had reached a technical agreement on the modalities for conducting maritime security operations and surveillance. The ECCAS secretariat confirmed that zone D was regularly patrolled given the recurrence of acts of piracy in the area. On the issue of maritime security, ECCAS informed UNOCA of its intention to launch a subregional monitoring centre on maritime security in 2012. In the meantime, ECCAS pointed out that Cameroon, Equatorial Guinea, Gabon and São Tomé and Principe had already set in motion a joint operational plan for maritime security known as SECMAR 2. ECCAS welcomed my intention, outlined to the Security Council in my statements on 30 August and 19 October 2011, to deploy a United Nations assessment mission to take stock of the threat of piracy in the Gulf of Guinea. UNOCA noted that since the Gulf of Guinea stretches from West to Central Africa, it would need to work closely together with UNOWA and with the Economic Community of West African States (ECOWAS), among other partners, to combat piracy in the area.

13. The threat posed by LRA to a number of countries in the Central Africa subregion was also highlighted during my Special Representative's consultations with the regional leaders. I addressed this specific issue in greater detail in a separate report to the Security Council dated 4 November 2011 (S/2011/693).

14. Many leaders mentioned to my Special Representative that they were concerned that the Libyan crisis would impact negatively on peace and security in the subregion. They were especially concerned that the illegal movements of weapons and fighters from Libya into some Central African States, in particular those sharing borders with Libya, could exacerbate tensions. Some leaders felt that although the threat of terrorism was not a major concern for the subregion as a whole, Al Qaeda in the Maghreb could become strengthened by acquiring additional weapons and supporters as a result of the Libyan conflict, which could enable the terrorist group to spread its activities into the wider Central Africa subregion.

15. It was further noted that the Libyan crisis had also generated worrying social and economic consequences for Central Africa, in particular those stemming from the return of tens of thousands of migrant workers. Apart from the loss of remittances, the unexpected arrival of thousands of returnees could become a destabilizing factor for many Central African countries that do not have the capacity or resources to address the immediate humanitarian and longer-term reintegration challenges created by such a significant movement of people. In a region already hosting large numbers of refugees and internally displaced persons (IDPs), the recent arrival of returnees from Libya could increase the burden on host communities, and heighten the risk, of potential tensions within the displaced.

16. UNOCA has established strong working relationships with the ECCAS secretariat, which also has its headquarters in Libreville. In that connection, the two offices have initiated regular meetings to discuss substantive and institutional issues of mutual interest and concern. Apart from meetings between my Special Representative and the Secretary-General of ECCAS, desk-to-desk meetings are also taking place, bringing together experts from UNOCA and the ECCAS secretariat to examine specific questions. In their recent discussions, ECCAS highlighted the same priorities that Member States had pointed out when they met with my Special Representative during his visits to their capitals. In addition, the two offices discussed the existing peace and security architecture in Central Africa, including the Council for Peace and Security in Central Africa, the Central African Early Warning Mechanism and the Central African multinational force. ECCAS sought institutional cooperation with the United Nations to enhance the capacity of those regional mechanisms. ECCAS also expressed concerns to UNOCA over the growing incidents of election-related violence in the subregion, and requested greater cooperation with the United Nations to tackle this worrying trend.

B. Consultations and coordination with other United Nations presences in Central Africa

17. Prior to assuming his functions in Libreville in June 2011, my Special Representative visited Dakar, to consult with my Special Representative for West Africa to share perspectives and explore areas of possible cooperation between the two Offices on cross-cutting issues, in particular on the threat of piracy in the Gulf of Guinea.

18. My Special Representative subsequently undertook broad consultations with other United Nations presences in the Central Africa subregion with a view to determining the best ways in which the United Nations could work closely together to respond effectively to the challenges identified by Central African States and subregional intergovernmental organizations. To that end, he met with the United Nations country teams in the nine ECCAS member States he visited. In addition, on 10 and 11 October 2011, he organized, at UNOCA headquarters, a meeting with the Heads of the United Nations country teams and United Nations peacekeeping and special political missions in Central Africa. Participants included, among others, my Special Representatives in the Democratic Republic of the Congo and my Deputy Special Representative in Burundi. The meeting was also attended by the Head of the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, based in Yaoundé. The Central Africa Subregional Office of UN Women, based in Kigali, the Subregional Office for Central Africa of the Economic Commission for Africa, based in Yaoundé, and the United Nations Regional Center for Peace and Disarmament in Africa, based in Lomé, were also represented.

19. During the meeting, participants discussed ways of enhancing the Organization's role in addressing subregional challenges in a manner that would ensure complementarity and synergy within the United Nations system present in Central Africa. The role of UNOCA as focal point to facilitate a concerted United Nations response to the threat posed by LRA was highlighted. The meeting also agreed on a coordinated approach under the auspices of UNOCA to enhance the effectiveness of United Nations support for the efforts of ECCAS and other regional and subregional partners in the areas of early warning, conflict prevention and

peacebuilding in Central Africa. In this connection, UNOCA was requested to undertake a mapping of early warning mechanisms in the subregion, and to facilitate awareness and deeper understanding of how the United Nations could better support initiatives taken in this area.

20. In the various consultations, the representatives of the various United Nations presences in Central Africa or covering the subregion also discussed the issues of the distribution of responsibility among themselves and better coordination to enable the United Nations to respond more effectively to regional challenges.

C. Women, peace and security

21. Following initial contacts with the UN Women Regional Representative for Central Africa based in Bujumbura, who highlighted the special challenges faced by women in the area of peace and security, both as victims of conflicts and as actors for peace, UNOCA plans to devote increased attention and focus to this issue by providing a better understanding and awareness of the various aspects of the problem, and facilitating the development and the implementation of strategies to improve the response capacity of the United Nations and of regional States. Specifically, UNOCA has begun working with UN Women towards the improvement of the status of women in the subregion, and towards the effective implementation of various Security Council resolutions regarding the situation of women in the context of peace and security.

D. Socio-economic challenges

22. UNOCA has initiated consultations with ECCAS and other intergovernmental organizations in Central Africa on the impact of economic challenges to peace and security in the region. Despite substantial endowments in natural resources, Central Africa remains vastly underdeveloped and its potential greatly under-exploited. As a result, the region faces high levels of unemployment, especially among the youth, who constitute the largest population group in the subregion. Governments in the subregion are increasingly concerned about the high risk of unemployed youth falling into illegal and destabilizing activities. UNOCA will increase working relationships with ECCAS member States and intergovernmental institutions, as well as with other entities of the United Nations system, to explore ways to foster targeted responses aimed at reducing the negative impact these economic pressures could have on peace and security.

23. In its focus on the impact of socio-economic challenges to peace and security, UNOCA, working closely with other United Nations agencies, including the World Health Organization, the United Nations Children's Fund, the United Nations Population Fund and the United Nations Development Programme, will also devote increased attention to health aspects in a subregion where most countries are falling short of meeting their Millennium Development Goals in the health sector, with infant mortality rates estimated at 16.7 deaths for every 1,000 persons, against 12.5 for the continent. Progress in these areas will contribute to overall stabilization objectives in the subregion.

24. Climate change and environmental degradation also pose serious threats to stability in many Central African States. With the continuing deterioration of the

situation in the Lake Chad basin area, which faces desertification, land degradation and shrinking water levels, the movement of large numbers of people from at least six countries who depend on the resources of the lake could dangerously heighten inter-communal tensions. It is therefore important to explore ways in which regional efforts could be supported to address the growing impact of climate change on peace, security and socio-economic development in Central Africa. In the discussions my Special Representative had with regional leaders during his recent visits to the capitals of ECCAS members States, the need to pay greater attention to environmental issues was raised, with many leaders pointing to the special status of Central Africa as a region hosting one of the largest and richest ecosystems in the world, namely, the Congo basin. The prevention of the illegal exploitation of the Congo basin's natural resources was highlighted so as to ensure the sustainability of the ecosystem and to avert communal tensions and violence related to the competition for the Congo basin's resources.

III. Observations and recommendations

25. UNOCA has begun operating with a view to implementing the mandate entrusted to it by the Security Council in cooperation with Central African Member States. I would like to reiterate my appreciation to the Government and the people of Gabon for their generous hospitality and material assistance, which contributed significantly to facilitating the smooth installation and functioning of UNOCA. I also welcome the cooperation extended to my Special Representative by other Central African States, intergovernmental organizations in the region and the Security Council. Continued collaboration between UNOCA and regional stakeholders is vital for the successful operation of the Office.

26. I am concerned that the lack of dedicated air assets for UNOCA, in a region where commercial air transportation is extremely limited, has presented a major time consuming hurdle to the work of my Special Representative. While every attempt is made to make use of available air assets from peacekeeping operations in the subregion, the often competing priorities of the missions and the limited flight options between the countries in the subregion make air transport extremely difficult in the region.

27. In the past few months since the inauguration of UNOCA we have been able to take stock of the opportunities for the Office to make important contributions to a more peaceful and prosperous future for the countries and people of Central Africa. At the same time, UNOCA will need continued financial and political support from the international community to fulfil its potential. Given the current budgetary limitations at a time of a global financial crisis, I call for increased voluntary contributions to support the important programme of activities that UNOCA has initiated. Peace and security in Central Africa is a necessity, not an option.

28. UNOCA's innovative efforts, in cooperation with countries of the subregions and other United Nations entities, deserve support to prevent the emergence of new conflicts, to resolve existing ones by peaceful means and to promote democratic and accountable governance. The efforts of UNOCA and those of my Special Representative to reach out to all segments of society, in particular women and youth, whose full potential is yet to be tapped throughout the subregion, are of crucial importance and need to be supported.

29. Joint UNOWA/UNOCA efforts to tackle pressing security challenges, such as piracy in the Gulf of Guinea and the illicit flows of arms and fighters, which cut across the two subregions and could destabilize both areas, will continue. In the immediate term, UNOWA and UNOCA would also collaborate to promote an integrated United Nations response to the negative consequences of the Libyan conflict on West and Central Africa. The close cooperation with other United Nations peace operations in Central Africa has also been of great importance, among others, to address the LRA issue.

30. I would like to conclude by extending my gratitude to the various entities of the United Nations system present in Central Africa, including the Heads of peace missions and of United Nations regional offices, country teams and other United Nations presences for their dedication and cooperation with UNOCA. I would also like to thank my Special Representative, Mr. Abou Moussa, and the staff of UNOCA for the energetic and professional manner in which they have launched the operations of the Office to contribute to greater peace and security in Central Africa.

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Report of the Committee on the Admission of New Members concerning the application of Palestine for admission to membership in the United Nations

1. At its 6624th meeting, on 28 September 2011, the Security Council had before it the application of Palestine for admission to membership in the United Nations (S/2011/592). In accordance with rule 59 of the provisional rules of procedure and in the absence of a proposal to the contrary, the President of the Council (Lebanon) referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 109th and 110th meetings, held on 30 September and 3 November 2011, respectively, the Committee considered the application.

3. Following the 109th meeting of the Committee, the Presidency of the Security Council for the month of October (Nigeria) convened five informal meetings of the Committee, four of which were held at the expert level, to carefully consider whether Palestine met the specific criteria for admission to membership contained in Article 4 of the Charter of the United Nations. Experts considered whether Palestine met the criteria for statehood, was a peace-loving State, and was willing and able to carry out the obligations contained in the Charter.

4. In the course of the meetings of the Committee, differing views were expressed. The view was expressed that the applicant fulfils all the criteria set out in the Charter. Questions were raised as to whether the applicant meets all of the Charter membership requirements. The view was also expressed that deliberations should take into account the broader political context of the matter at hand.

5. It was stated that the criteria set out in Article 4 of the Charter were the only factors that could be taken into consideration in the Committee's deliberations. In support of this position, reference was made to the Advisory Opinion of 28 May 1948 of the International Court of Justice, on the Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter).

6. It was also asserted that the Committee's work, whatever its outcome, should be mindful of the broader political context. The view was expressed that a two-State solution via a negotiated settlement remained the only option for a long-term sustainable peace and that final status issues had to be resolved through negotiations. Support was expressed for a two-State solution based on pre-1967 borders, resulting from political negotiations, leading to an independent State of

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Palestine with East Jerusalem as its capital. It was stressed that Palestine's right to self-determination and recognition is not contrary to Israel's right to exist.

7. It was stated that the Committee's work should not harm the prospects of the resumption of peace talks, particularly in the light of the Quartet statement on 23 September 2011 that had set out a clear timetable for the resumption of negotiations. Similarly, it was stated that the prospect of negotiations should not delay the Security Council's consideration of Palestine's application. It was stated that Palestine's application was neither detrimental to the political process nor an alternative to negotiations. It was also stated that the Palestinian application would not bring the parties closer to peace. It was further stated that the question of the recognition of Palestinian statehood could not and should not be subject to the outcome of negotiations between the Palestinians and Israelis, and that, otherwise, Palestinian statehood would be made dependent on the approval of Israel, which would grant the occupying Power a right of veto over the right to self-determination of the Palestinian people, which has been recognized by the General Assembly as an inalienable right since 1974. Concerns were raised in relation to Israel's continued settlement activities. The view was expressed that those activities were considered illegal under international law and were an obstacle to a comprehensive peace.

8. In relation to the application of Palestine (S/2011/592), attention was drawn to the letter received by the Secretary-General from the President of Palestine on 23 September 2011, which contained a declaration — made in a formal instrument — stating that the State of Palestine was a peace-loving nation; that it accepted the obligations contained in the Charter of the United Nations; and that it solemnly undertook to fulfil them.

9. On the criterion of statehood, reference was made to the 1933 Montevideo Convention on the Rights and Duties of States, which declares that a State as a person of international law should possess a permanent population, a defined territory, a government and the capacity to enter into relations with other States.

10. With regard to the requirements of a permanent population and a defined territory, the view was expressed that Palestine fulfilled these criteria. It was stressed that the lack of precisely settled borders was not an obstacle to statehood.

11. Questions were raised, however, regarding Palestine's control over its territory, in view of the fact that Hamas was the de facto authority in the Gaza Strip. It was affirmed that the Israeli occupation was a factor preventing the Palestinian government from exercising full control over its territory. However, the view was expressed that occupation by a foreign Power did not imply that the sovereignty of an occupied territory was to be transferred to the occupying Power.

12. With regard to the requirement of a government, the view was expressed that Palestine fulfilled this criterion. However, it was stated that Hamas was in control of 40 per cent of the population of Palestine; therefore the Palestinian Authority could not be considered to have effective government control over the claimed territory. It was stressed that the Palestine Liberation Organization, and not Hamas, was the legitimate representative of the Palestinian people.

13. Reference was made to reports of the World Bank, the International Monetary Fund and the Ad Hoc Liaison Committee for the Coordination of the International Assistance to Palestinians, which had concluded that Palestine's governmental functions were now sufficient for the functioning of a State.

14. With regard to the requirement that a State have the capacity to enter into relations with other States, the view was expressed that Palestine fulfilled this criterion. It was recalled that Palestine had been accepted into membership in the Non-Aligned Movement, the Organization of Islamic Cooperation, the Economic and Social Commission for Western Asia, the Group of 77 and the United Nations Educational, Scientific and Cultural Organization. In addition, over 130 States had recognized Palestine as an independent sovereign State. Questions were raised, however, regarding the authority of the Palestinian Authority to engage in relations with other States, since under the Oslo Accords the Palestinian Authority could not engage in foreign relations.

15. With regard to the requirement that an applicant be "peace-loving", the view was expressed that Palestine fulfilled this criterion in view of its commitment to the achievement of a just, lasting and comprehensive resolution of the Israeli-Palestinian conflict. It was further stated that Palestine's fulfilment of this criterion was also evident in its commitment to resuming negotiations on all final status issues on the basis of the internationally endorsed terms of reference, relevant United Nations resolutions, the Madrid principles, the Arab Peace Initiative and the Quartet road map.

16. Questions were raised as to whether Palestine was indeed a peace-loving State, since Hamas refused to renounce terrorism and violence, and had the stated aim of destroying Israel. Reference was made, on the other hand, to the Advisory Opinion of the International Court of Justice on Namibia, of 1971, which stated that the only acts that could be attributable to a State were those of the State's recognized authority.

17. With regard to the requirement that an applicant accept the obligations contained in the Charter and be able and willing to carry out those obligations, the view was expressed that Palestine fulfilled these criteria, as was evident, inter alia, from the solemn declaration to this effect contained in its application. It was recalled that in 1948, when considering the application of Israel for membership, it had been argued that Israel's solemn pledge to carry out its obligations under the Charter was sufficient to meet this criterion.

18. The view was also expressed that the Charter required more than a verbal commitment by an applicant to carry out its Charter obligations; an applicant had to show a commitment to the peaceful settlement of disputes and to refrain from the threat or the use of force in the conduct of its international relations. In this connection, it was stressed that Hamas had not accepted these obligations.

19. The view was expressed that the Committee should recommend to the Council that Palestine be admitted to membership in the United Nations. A different view was expressed that the membership application could not be supported at this time and an abstention was envisaged in the event of a vote. Yet another view expressed was that there were serious questions about the application, that the applicant did not meet the requirements for membership and that a favourable recommendation to the General Assembly would not be supported.

20. Further, it was suggested that, as an intermediate step, the General Assembly should adopt a resolution by which Palestine would be made an Observer State.

21. In summing up the debate at the 110th meeting of the Committee, the Chair stated that the Committee was unable to make a unanimous recommendation to the Security Council.

22. The Committee on the Admission of New Members concluded its consideration of the application of Palestine for admission to membership in the United Nations.

23. At its 111th meeting, the Committee approved the present report on its consideration of the application of Palestine for admission to membership in the United Nations.